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October 6, 2020

Honorable Gregory H. Woods  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1930  
New York, New York 10007-1312

**MEMORANDUM ENDORSED**

*Financiera de Desarrollo Industrial y Commercial, S.A. v. Pepsi Cola Company*, Civil Action No. 1:05-cv-02761

Dear Judge Woods:

We are counsel to defendant in this action. We are writing in response to Your Honor's order from last week directing the parties to submit a joint letter regarding what, if any, issues remain to be litigated here in light of the Second Circuit's recent decision in *Compania Embotelladora Del Pacifico, S.A. v. Pepsi Cola Co.*, Case No. 11-5458 (the "CEPSA action").

We have consulted with counsel for Plaintiff and understand that Plaintiff intends to file a petition for rehearing en banc. We will object to that filing if, as, and when requested to by the Court.

We jointly therefore respectfully request that the stay of this action be continued until the Second Circuit rules on that petition.

Respectfully,

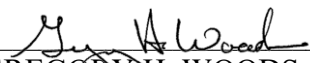


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cc: Counsel of Record (via ECF)  
Peter St. Philip, Esq.

Application granted. The stay in this case is in place through February 7, 2021. Dkt. No. 46. Counsel are directed to keep this Court apprised of developments in the related case in the Second Circuit, *Compania Embotelladora Del Pacifico, S.A. v. Pepsi Cola Company*, by filing a status letter no later than the earlier of February 5, 2021 or five business days after the Second Circuit issues a decision on the anticipated petition for rehearing en banc.  
SO ORDERED.

Dated: October 7, 2020

  
GREGORY H. WOODS  
United States District Judge